

REGULAR MEETING AND PUBLIC HEARING
OF THE FALLS CHURCH PLANNING COMMISSION
7 May 2007
Council Chamber

1. CALL TO ORDER: Chair Rodgers called the meeting to order at 7:47 PM.

2. ROLL CALL:

Members Present:	Ms. Budetti
	Ms. Fauber
	Mr. Lawrence (arrived 7:48 PM)
	Mr. Puentes (arrived 7:54 PM)
	Ms. Rodgers
	Ms. Sanders
	Ms. Teates

Administrative Staff Present:	Ms. Friel, General Manager of Development Services and Planning Director
	Ms. Reinecke-Wilt, Principal Planner

3. PLANNING COMMISSION REPORTS:

Chair Rodgers announced that Ms. Reinecke-Wilt was leaving City employment on 1 June 2007. She read a Resolution of Appreciation from the Commission for Ms. Reinecke-Wilt and then presented a framed copy of the Resolution. Commissioners expressed their appreciation for Ms. Reinecke-Wilt's work through the years and extended to her best wishes for the future. Ms. Reinecke-Wilt expressed her thanks for the Resolution and for the comments expressed.

4. RECEIPT OF PETITIONS: None.

5. PLANNING DIRECTOR'S REPORT/WORKSESSION SCHEDULE:

Ms. Friel agreed that Ms. Reinecke-Wilt would be missed sorely. She reported that a farewell party would be held for Helen on 1 June, to which Commissioners would be invited.

Ms. Friel reported on work to date on the City Center proposal and outlined the anticipated public review schedule. The developer must resubmit a conceptual plan and a traffic impact analysis, which is anticipated within 30 days. First Reading for the project may occur in June or July and Second Reading in the early Fall.

Ms. Friel stated that the usual written report was provided in the Commission's package. She highlighted the various transportation planning activities underway for which the City is pursuing grant funding. She advised that staff continues to negotiate a contract for the Zoning Code review and rewrite. It is anticipated that a joint City Council and Planning Commission would be held soon to introduce the contractor selected and to review the contract proposed. A

steering committee, to be named, will work with staff throughout the Code review and rewrite process.

Ms. Friel responded to questions from Commissioners concerning the joint transportation study with Arlington County around the East Falls Church Metro Station, a subdivision application for a property on South Oak Street, and the Hekemian project on North Washington Street.

6. OLD BUSINESS: None.

7. NEW BUSINESS:

A. RESOLUTION TR7-11. RESOLUTION AMENDING RESOLUTION 2003-35 GRANTING SPECIAL EXCEPTIONS SE03-0136 FOR MIXED USE AND SE03-0137 FOR HEIGHT BONUS AT 513 WEST BROAD STREET TO ALLOW RETAIL/SERVICE USES (THE BYRON)

Ed Novak, President of NOVA Habitat, was present.

Ms. Friel noted that the Commission had considered this item in a worksession on 16 April. Mr. Novak, the developer of The Byron, applied to amend the project's Special Exception to allow retail/service uses, specifically a neighborhood scale bank. The Special Exception approved in 2004 specified retail uses only. Staff finds this request reasonable and recommends that the Planning Commission forward a favorable recommendation to the City Council, as conditioned in the staff report and Resolution. All other conditions approved previously remain in effect.

Ms. Friel read from the Special Exception Ordinance, which specifies what types of retail uses are permitted and what types of retail uses are prohibited under the Ordinance. She noted that the City Council has authority to limit uses when it approves a Special Exception.

Ms. Friel noted that the Commission had several questions for the City Attorney on the Amendment proposed. The City Attorney responded that any decisions on permitted uses for The Byron did not bind to City to grant the same amendment for other Special Exception projects. Each Special Exception application is based on a consideration of the merits of the application for a particular parcel of land. Each application is unique and stands alone; it is considered on its own merits. It is appropriate to link permitted uses to the underlying zoning district, in this case the B-1 District, as it not anticipated that the uses currently permitted will change significantly in the future. The Comprehensive Plan and the Special Exception Ordinance are clear in the City's intent to encourage retail and restaurant uses on the City's primary corridor. The Special Exception approved restricted this project to only those uses and, while some loosening of that requirement is reasonable, so is continuing to require the majority of the street frontage to be retail and to limit some less desirable uses. Ms. Friel noted that the Amendment was originally for a neighborhood scale bank, but that use is no longer anticipated. The Resolution before the Commission this evening was written generally.

Mr. Novak used a diagram of the project to indicate the space under consideration for the Special Exception Amendment. He indicated that this space continues to be marketed for retail, but he is seeking flexibility for a tenant for approximately 2900 square feet. Mr. Novak expressed his

desire that the retail spaces would have been leased as anticipated. He appreciated staff's recent clarification of uses; he had not anticipated a separation or distinction among retail uses when the Special Exception was approved. Mr. Novak agreed that any change to the approval conditions should be at the City Council's discretion.

Mr. Novak indicated that the project's marketing manager, Mr. Lee, had leased another retail space at below market rates. The subject space is the least desirable in the project for a retail use. He noted that NOVA Habitat had retained approval of all commercial tenants and discussed the types of tenants who had expressed interest in the space to date. Mr. Novak expressed his belief that if the City were to replace all one-half to one-third acre, stand-alone, pad branch banks that have drive through aisles with inline non-drive through banks, then those sites would be more revenue positive and pedestrian active.

In response to Budetti's questions, Ms. Friel stated that the Resolution is a hybrid; it is unusual to amend a Special Exception. The Resolution incorporates the conditions approved previously and amends Conditions 7, 8, 9, and 10. She agreed that the word "no" needed to be added to Condition 9. Mr. Novak accepted the limitations suggested by staff in the amended Resolution.

Ms. Fauber advised that she was uncomfortable with some of the prohibited uses listed. She expressed her desire for vibrant spaces, but advised that the City had not yet reached the density necessary to achieve that at this time. Ms. Fauber noted that the City was not well served by blank store fronts, but believed that better uses would be interested in locating in the City after sufficient critical mass had been built. Mr. Novak concurred and expressed his belief that that City had traditionally been known as a single family residential community, but now was on the leading edge of achieving critical mass to support retail.

In response to Ms. Sanders's inquiries, Ms. Friel stated that the uses prohibited in Condition 7 and in Condition 8 were based on the Special Exception Ordinance; the intent is to create vibrancy within the project. She advised that the Special Exception Ordinance's intent is to allow greater density, to ensure that it has an appropriate land use, to make sure that the project well suited the neighborhood, to expand the potential revenue stream, and to create new opportunities for retail uses. Ms. Friel noted that the life of the Resolution is for the life of the property; the Council must decide what's appropriate for this site.

In response to Mr. Puentes's question, Ms. Friel advised that the fiscal impact numbers approved with the original project would not change substantially if this Resolution were approved. A new site plan, to be approved administratively, would be required should the Council approve the Resolution.

In response to Ms. Sander's question, Ms. Friel indicated that the 40% limitation of retail/service space on a primary street in Condition 9 was the same condition imposed on another Special Exception project (The Spectrum), but allowed for future flexibility within this project.

The Chair opened the item to the public. Hearing no response, the Chair closed the item to the public. A memorandum of support from the City's Economic Development Authority had been distributed electronically to the Planning Commission earlier today; a hard copy was provided at the dais this evening.

MOTION: Ms. Fauber moved, and Ms. Budetti seconded, that the Planning Commission recommend to the City Council approval of Resolution TR7-11, with Condition 7 and Condition 9 amended as follows:

7. Retail and retail/service uses may include all uses allowed in the B-1 Limited Business District except mortuaries, self-service laundry, ~~convenience stores, nail salons, hair salons, video stores, liquor stores,~~ auto supplies stores, and check cashing stores.
9. Retail/Service uses shall be limited to no more than 40% of the primary street frontage.

Discussion:

Mr. Puentes expressed concern about the precedence that might be set by this Amendment. He found the City Attorney's opinion helpful, but expressed his belief that the Commission needed to articulate its rationale for agreeing to these conditions for this site. The rationale would include creating vibrancy and the amenities of the project. Mr. Puentes noted that it was difficult to articulate the anticipated results of the amendment proposed.

Chair Rodgers suggested that the types of uses permitted with a Special Exception could be captured in the anticipated Zoning Ordinance changes rather than in the Special Exception Ordinance. Ms. Friel suggested that a "Whereas" clause with a rationale from the original Special Exception Ordinance approved for this project could be inserted into the Resolution to amend the approval. This change would be made prior to preparation of the package for the City Council's consideration next Monday.

Ms. Budetti inquired whether the motion needed to be amended to include the additional "Whereas" clause in the Resolution. **Ms. Fauber and Ms. Budetti accepted the amendment.**

Mr. Lawrence noted that retail versus retail service had never been defined clearly before. He asked if those terms would now be defined. Ms. Friel agreed that the terms have been defined. The clear intent of the Resolution was to include retail space. These terms need to be clarified in the Zoning Code rewrite. The Council has the authority to amend the Resolution approved originally. She noted that the Planning Commission Minutes are clear that retail space was the intent in the project.

Ms. Sanders noted that much of the worksession discussion concerned a bank use. She expressed her belief that the Resolution is well tailored now. Ms. Sanders read from the Planning Commission Minutes of 6 October 2003 as follows:

Mr. Novak expressed his conclusion that the highest and best use on the site, with its existing constraints, was The Byron. The Byron would contain nearly 18,500 square feet of commercial use, including an indoor/outdoor café, 3-4 specialty retail shops, and Class A office space.

She advised that she had not been confused by what was meant between retail and service retail; it was quite clear what was proposed and what was approved.

AMENDED MOTION:

Ms. Fauber moved, and Ms. Budetti seconded, that the Planning Commission recommend to the City Council approval of Resolution TR7-11, with Condition 7 and Condition 9 amended as follows:

7. Retail and retail/service uses may include all uses allowed in the B-1 Limited Business District except mortuaries, self-service laundry, ~~convenience stores, nail salons, hair salons, video stores, liquor stores,~~ auto supplies stores, and check cashing stores.
9. Retail/Service uses shall be limited to no more than 40% of the primary street frontage.

Additionally, staff will prepare a new “Whereas” clause to reflect that this amendment is applicable to this site only, that such amendment will create the desired vibrancy, and that the clause will articulate the Commission’s rationale for the amendment.

Upon roll call vote, the motion passed 6-1 (Ms. Sanders voted ‘no’). Chair Rodgers wished Mr. Novak well with marketing the remaining retail spaces.

B. THE REVISED AND UPDATED FALLS CHURCH/JAMES LEE/SOUTHGATE NEIGHBORHOOD IMPROVEMENT PROGRAM AND CONSERVATION PLAN

Steve Knippler, Fairfax County Office of Housing Community Development, was present.

Ms. Reinecke-Wilt advised that Mr. Knippler had worked extensively with the Falls Church/James Lee/Southgate community to update the Neighborhood Improvement Program and Conservation Plan (Plan). The neighborhood is referred to as “James Lee”. The Plan was adopted originally in 1980 by both Fairfax County and the City of Falls Church. It was created primarily in response to neighborhood concerns about inadequate public facilities and utilities, and deterioration in the housing stock in that area. The Plan was to be implemented through Community Development Block Grant (CDBG) funds. Only a very small percentage of the Plan area is within the City of Falls Church; the remainder is in Fairfax County. The main focus of the Plan was to state the importance of the preservation and the stabilization of the residential character of this area, to provide more affordable housing, and to encourage active citizen participation in public processes. This was to be accomplished partially by limiting commercial activities to Hillwood Avenue and by preserving the community’s assets, primarily the James Lee Community Center.

The James Lee community is bounded on the north by Hillwood Avenue and South Washington Street; on the east by the Hillwood Square Apartments and Hunton Avenue; on the west by Tripps Run; on the southeast by Clearview Drive; and on the southwest by James Lee Street. Within the City, the conservation area contains ten residential lots occupied by four homes and the carryout restaurant on Douglass Avenue; and six whole or partial commercial lots, one of which is occupied by Galloway Methodist Church.

The neighborhood has struggled to some extent during the past few decades. Some houses have not been well maintained and, on some single-family residential lots that are zoned for commercial use, incongruous uses have developed, such as a barber shop and a carry-out restaurant. In addition to the threats to maintaining the residential character of the area, the James Lee Community Center had fallen into disrepair and the community was very focused on the renovation of that facility. The facility was renovated completely in the last few years.

The original 1980 Neighborhood Improvement and Conservation Plan included recommendations for funding public projects, such as road, storm drainage, and sidewalk improvements; improvements to the James Lee Community Center; and recommendations for joint public and private participation in the Home Improvement Land Program (HILP).

The City of Falls Church did not have much connection with the Plan until a proposal to convert a commercially-zoned, single-family residence to a carry-out restaurant was proposed and contested hotly by the neighborhood. The project was approved and was an impetus for the community's request to have both Fairfax County and Falls Church City update the Plan.

As part of the City's Comprehensive Plan update in 2005, and in response to property owner requests to retain the residential nature of this small area, a land use designation change was made on two lots on Tinner's Hill south of South Washington Street from "Business" to "Low Density Residential (4.0)". The City's Comprehensive Plan also cites the 1980 James Lee Conservation Plan and summarizes its goals for this area. The City's 2005 Comprehensive Plan update did not include changes to land use designations on either Douglass Avenue or Liberty Avenue. It should be noted that the 1980 Plan had a sunset clause after 25 years; both the County and the City adopted interim Plans to continue the Plan until updates could be proposed and adopted.

In November 2006, Fairfax County adopted an updated version of the 1980 Plan after input from the neighborhood, its staff, and Falls Church City staff. The County now requests the City to adopt the revised Plan. The primary goals of the 2006 Conservation Plan update were to continue to support the stabilization of the residential neighborhood; to provide affordable housing; to seek community involvement; to provide additional green space, pocket parks, and passive recreational space within the community on underutilized public property, where available; and to discourage the encroachment and/or expansion of commercial uses into residentially zoned land. Any commercial development should minimize the impact on and be compatible with the residential community.

Revisions to the 1980 Plan include statements specific to the City. Some of these statements are: the City will continue to identify the commercially-zoned section of Hillwood Avenue as a commercial corridor, while supporting the protection of the surrounding residential neighborhood; infill development on vacant residentially-zoned land should be at a similar density to what exists today; the City is responsible for notifying the Fairfax County Housing Authority when City projects are in or within 150 feet of the Conservation Area boundary; the City's Open Space report was referenced, along with its goals for more green space and pocket parks; a goal of creating continuous sidewalks on at least one side of each street; to improve roads, sidewalks, and stormwater maintenance systems in accordance with the Capital Improvement Program (CIP); to review any proposed traffic or storm drainage improvements for

impacts or conflicts with existing City traffic and stormwater collection systems; to recommend traffic calming on Douglass Avenue and Brice Street; and to improve Tripps Run in accordance with the Cameron Run Watershed Study.

A Resolution to adopt the updated Plan and maps of the Conservation Area were provided in the Commission's package. Lines 37-40 of the Resolution were added by Councilmember Snyder 'to emphasize the (City's) desire to work with Fairfax County and the Tinner Hill Foundation on the completion of the Tinner Hill Cultural Center and the John Jackson Center for Piedmont Blues'.

The Chair opened the item to the public. Hearing no response and having received no written comments, the Chair closed the item to the public.

In response to Commissioners' questions, Ms. Reinecke-Wilt and Mr. Knippler stated that the enlarged map provided could be improved with more legible street names; that support from a percentage of property owners was not necessary for Fairfax County to adopt the Plan, however community input had been sought; that the County had not yet established a Plan for the Greenway Downs community, but such an area study could be initiated by a Supervisor after a citizen request; that certain community conditions must be met to qualify for a specific conservation plan under Virginia law; that there are slight differences between the City's Zoning Map and the Future Land Use Map; and that the City doesn't usually initiate rezoning requests.

MOTION: Ms. Teates moved, and Ms. Sanders seconded, that the Planning Commission recommend to the City Council adoption of the Revised and Updated Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan by Resolution TR7-13.

Upon roll call vote, the motion passed unanimously.

In response to Ms. Budetti's questions, Ms Friel replied that the site plan for Monarc Construction was in final revisions and groundbreaking is anticipated by early Summer. Additionally, bonds must be posted before construction begins. Ms. Reinecke-Wilt noted that Monarc would be one of the first projects in the country to receive free LEED certification if they reach the platinum level.

8. OTHER BUSINESS: None.

9. MINUTES FOR APPROVAL: The Minutes of 16 April 2007 were approved as presented. Chair Rodgers noted that the excerpt of Planning Commission Minutes from 6 October 2003 provided in The Byron staff report were very helpful given the level of detail it contained.

10. ADJOURNMENT:

Mr. Puentes moved, and Ms. Sanders seconded, to adjourn. The motion passed by voice vote and the meeting adjourned at 9:11 PM.

Respectfully Submitted,

Noted and Approved:

Debra L. Gee
Recording Secretary

Elizabeth R. Friel, AICP
Planning Director

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